

### REMARKS/ARGUMENTS

Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

Upon entry of the above amendments, claims 27, 39, 43, and 76-93, will be pending, of which claims 27 and 76-91 stand withdrawn by the Examiner.

Claims 39 and 43 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite. The Applicants respectfully assert that the above claims, as amended, are fully compliant with §112.

Claim 43 stands rejected under 35 U.S.C. §112, first paragraph as containing subject matter not described with a sufficient written description in the specification. Applicants assert that claim 43, as presently pending, is fully compliant with §112, first paragraph. Specifically, the specification describes on page 11, that “the alcR and alcA genes (including the respective promoters) have been cloned and sequenced,” and the skilled artisan is directed to references disclosing these sequences.<sup>1</sup> Accordingly, reconsideration and withdrawal of these rejections is respectfully requested.

Finally, claims 39 and 43 stand rejected under 35 U.S.C. §112, first paragraph, as not being enabled by the specification. The Applicants respectfully traverse these rejections for at least the following reasons.

With regard to the Examiner’s concerns over the AlcA and AlcR genes and proteins, the Applicants refer to their remarks above, and submit that the amended claim addresses these concerns.

With respect to the Examiner’s concerns about the enablement of the recombinase systems to excise DNA sequences, the applicants submit that these systems are fully enabled by the specification. Initially, the claims are not broadly drawn to “any recombinase” but rather to the FLP gene of the 2 micron plasmid of *Saccharomyces cerevisiae*, and the recognition sequences for said recombinase. This recombinase was commonly known in the art at the time of filing the application, and this is stated on page 6, lines 12 to 30, listing five references which disclose the recombinase and/or demonstrate its ability to successfully excise gene sequences in both mammalian and plant cells. Furthermore, Example 4 of the

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<sup>1</sup> For example, Lokington R.A., *et al.*, *Gene*, 33:137-149 (1985); Felenbok B., *et al.*, *Gene* 73:385-396 (1988); Gwynne *et al.*, *Gene*, 51:205-216 (1987).

pending specification further describes the excision of a PAT gene using the FLP recombinase system. This example also states the FLP recombinase sequence was available from *Stratagene*. Accordingly, no undue experimentation would be required by the skilled artisan to practice the present invention. Therefore, the Applicants respectfully request the withdrawal of this rejection.

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

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